

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

APEX IT, INC.,

Civil 08-0596 (JRT/FLN)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

RHEMA BIBLE COLLEGE,

Defendant.

Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Franklin L. Noel dated July 3, 2008, all the files and records, and no objections having been filed to said Report and Recommendation,

IT IS HEREBY ORDERED that:

1. That defendant's motion to dismiss for lack of personal jurisdiction under Rule 12(b) [Docket No. 2] is **DENIED** without prejudice.

2. That plaintiff is given 30 days to conduct discovery on the issue of jurisdiction.

After the parties complete their jurisdictional discovery, defendant is free to renew its motion to dismiss.

Dated: July 28, 2008
at Minneapolis, Minnesota

s/ John R. Tunheim
JOHN R. TUNHEIM
United States District Judge